

ORIGINAL

1 DEFUNE THE ANALYSIA CORPORATION COMMISSION RECEIVED 2 **COMMISSIONERS** 2003 NOV 12 P 3: 19 3 MARC SPITZER, Chairman WILLIAM A. MUNDELL JEFF HATCH-MILLER AZ CORP COMMISSION MIKE GLEASON 5 KRISTIN K. MAYES 6 DOCKET NO. T-01051B-03-0668 IN THE MATTER OF THE COMPLAINT OF ESCHELON TELECOM OF ARIZONA, INC. 7 AGAINST OWEST CORPORATION. 8 PROCEDURAL ORDER 9 The Arizona Corporation Commission ("Commission") convened a Pre-hearing Conference 10 for the purpose of establishing a procedural schedule in this matter on November 10, 2003. During 11 the pre-hearing conference, the parties agreed that the matter involved a legal question that could be 12 resolved by additional briefs and oral argument. They were able to agree upon the following 13 schedule: 14 **Opening Briefs** December 8, 2003 15 Responsive Briefs December 19, 2003 16 Oral Argument December 30, 2003 17 IT IS THEREFORE ORDERED that a Procedural Conference for the purpose of hearing Oral 18 Argument on the issues raised in the above-captioned complaint shall commence on December 30, 19 2003 at 10:30 a.m. at the Commission's Phoenix offices, 1200 West Washington Street, Phoenix, 20 Arizona, 85007. 21 IT IS FURTHER ORDERED that the parties shall file simultaneous briefs on the dates agreed 22 to and set forth above. The parties shall file a joint statement of undisputed facts with their opening 23 briefs. 24 Arizona Corporation Commission 25 DOCKETED 26 NOV 1 2 2003 27 DOCKETED BY

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1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, later, amend or waive 2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing. 3 DATED this 10th day of November, 2003. 4 5 6 7 ADMINSIŤRATIVE LAW JUDGE 8 Copies of the foregoing mailed 9 this day of November, 2003 to: 10 Thomas H. Campbell 11 Michael T. Hallman LEWIS AND ROCA LLP 12 40 N. Central Avenue Phoenix, Arizona 85004 13 Dennis D. Ahlers 14 ESCHELON TELECOM, INC. 730 Second Avenue South, Suite 1200 15 Minneapolis, MN 55402-2456 16 **Timothy Berg** Theresa Dwyer 17 FENNEMORE CRAIG 3003 North Central Avenue, Suite 2600 18 Phoenix, Arizona 85012-2913 19 Todd L. Lundy **OWEST CORPORATION** 20 1801 California Street, Suite 4900 Denver, Colorado 80202 21 Mr. Christopher Kempley, Chief Counsel 22 Legal Division ARIZONA CORPORATION COMMISSION 23 1200 West Washington Street Phoenix, Arizona 85007 24 Mr. Ernest Johnson, Director 25 **Utilities Division** ARIZONA CORPORATION COMMISSION 26 1200 West Washington Street Phoenix, Arizona 85007 27

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ARIZONA REPORTING SERVICE, INC. 2627 N. Third Street, Suite Three Phoenix, Arizona 85004-1104

Maria Gonzalez
Secretary to Jane L. Rodda